

**Notice of Allowability**

Application No.

09/765,144

Examiner

Brian D. Nguyen

Applicant(s)

HAUMONT ET AL.

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 8/1/05.
2. ☒ The allowed claim(s) is/are 49,50,67,69,72-74,51-54,68,71,55-60,62,61,63-66,75-84 (renumbered 1-35, respectively).
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 08302005.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

**BRIAN NGUYEN**

**PRIMARY EXAMINER**

**EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Alicia M. Choi on 8/30/05.

3. The application has been amended as follows:

**Claim 49.** A method of transmitting packets of data in a communication network comprising at least first to third stations, the method comprising the steps of:

providing data packets to only the first station and sending a first number of the data packets from the first station to a second station;

subsequently providing the data packets to both said first and third station when the second station has at least one predefined parameter with respect to said first and third station;

identifying via said second station which of the first number of the data packets are correctly received by the second station from the first station; ~~and~~

responsive to a signal from said second station, sending a second number of the data packets from the third station to said second station commencing with a data packet identified in said signal as being required after the last correctly received packet received from the first station, wherein said network comprises a common node connected to said first and third stations and said first station is in communication with a first node and the third station is in communication with a second node; and

acknowledging receipt of a data packet at the second station, wherein acknowledgement is forwarded to the common node by one of said first and second nodes and the common node advises the other of the first and second nodes that an acknowledgement has been received.

**Claim 50.** A method as claimed in claim 49, wherein ~~said network comprises a common node connected to said first and third stations~~, said common node being arranged to transmit data packets to said first and third stations.

**Claim 54.** A method as claimed ~~is~~ in claim 49 further comprising the steps of:  
indicating to [a] said common node that the second station is reachable via both of said first and third stations;

transmitting the same data packets from the common node to at least one data storage means in the first and third stations;

transmitting said same data packets from the at least one data storage means in the first and third stations to said second station;

identifying a received packet at the third station and acknowledging receipt of that packet; and

removing said acknowledged packet from the at least one data storage means in said third station.

**Claim 62.** A method as claimed in claim 49 56, wherein said parameter is averaged over time before it is determined if said criteria is satisfied.

**Claim 70.** Cancelled.

**Claim 71.** A method as claimed in claim 54, wherein ~~the first station is connected to a first node and the third station is connected to a second node and~~ one of the first and second

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nodes is arranged to be the common node and said acknowledged packet is forwarded to the common node.

**Claim 77.** A system of transmitting packets of data in a communication network comprising:

first, second and third stations; and

a common node connected to said first and third stations, wherein said first station is in communication with a first node and the third station is in communication with a second node, wherein said first station only is provided initially with data packets and is arranged to send a first number of the data packets to the second station, subsequently the data packets are provided to both said first and third station when the second station has at least one predefined parameter with respect to said first and third station, and wherein the second station is arranged to identify which of the first number of the data packets it receives from the first station, and the third station is arranged to send a second number of the data packets to the second station in response to a signal from said second station commencing with the data packet identified in said signal as being required after the last correctly received packet from the first station, and the second station is arranged to acknowledge receipt of a data packet at the second station, wherein the acknowledgement is forwarded to the common node by one of said first and second nodes and the common node advises the other of the first and second nodes that an acknowledgement has been received.

**Claim 82.** A ~~node for a~~ wireless communication network, comprising:

a node configured to send data packets to a base station for transmission to a mobile station, wherein

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and said node is configured to start sending the data packets both to a first base station and a second base station as a response to a predetermined condition for transmission to the mobile station; and

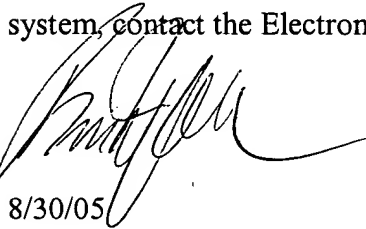
a common node connected to said first base station and said second base station, wherein said first base station is in communication with a first node and the second base station is in communication with a second node, wherein said first base station only is provided initially with the data packets and is arranged to send a first number of the data packets to the mobile station, subsequently the data packets are provided to both said first and second base stations when the mobile station has at least one predefined parameter with respect to said first and second base station, and wherein the mobile station is arranged to identify which of the first number of the data packets it receives from the first base station, the second base station is arranged to send a second number of data packets to the mobile station in response to a signal from said mobile station commencing with the data packet identified in said signal as being required after the last correctly received packet from the first base station, and the mobile station is arranged to acknowledge receipt of a data packet at the mobile station, wherein the acknowledgement is forwarded to the common node by one of said first and second nodes and the common node advises the other of the first and second nodes that an acknowledgement has been received.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian D. Nguyen whose telephone number is (571) 272-3084. The examiner can normally be reached on 7:30-6:00 Monday-Thursday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (571) 272-3126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



8/30/05

**CHAU NGUYEN**  
**EXAMINER**